

By

Joe Ratcliff

H.

B. No.

169

A BILL TO BE ENTITLED

AN ACT

Insert ② ~~creating the Texas Private Employment Agency Regulatory Board; giving the board certain duties and responsibilities; establishing certain requirements for the licensing of private employment agencies and private employment agency operators; amending Chapter 245, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 5221a-6, Vernon's Texas Civil Statutes); providing severability of this Act; repealing all laws in conflict; and declaring an emergency.~~

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Insert ① ~~Section 1. Chapter 245, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 5221a-6, Vernon's Texas Civil Statutes), is amended to read as follows:~~

~~"Section 1. Definitions as used in the Act. (a) The term 'person' means an individual, partnership, association, corporation, legal representative, trustee in bankruptcy, or receiver.~~

~~"(b) 'Fee' means anything of value including money or other valuable consideration or services or the promise of any of the foregoing received by an employment agency from any person seeking employment or employees in payment for any service, either directly or indirectly.~~

~~"(c) 'Employer' means any person employing or seeking to employ any employee.~~

~~"(d) 'Applicant' means any person engaging the services of a private employment agency for the purpose of securing employment or any person placed by a private employment agency with an employer.~~

~~"(e) 'Private employment agency' means any place or establishment within this state offering a service leading a person to employment for which a fee is to be received upon the contingency of the employer offering and the applicant accepting employment, except as hereinafter excepted herefrom.~~

~~"(f) 'Commissioner' shall mean the Commissioner of the Bureau of Labor Statistics, and he shall administer and enforce the provisions of this Act and the rules and regulations promulgated by the board and in all matters relating to the enforcement of this Act, shall be guided by the instructions and decisions of the board.~~

~~"(g) 'Deputy or inspector' shall mean any person who is duly authorized by the commissioner to act in that capacity.~~

~~"(h) 'Operator' shall mean the individual or individuals who have the responsibility for the day-to-day management, supervision and conduct of a private employment agency; and an operator may manage more than one office.~~

1 "(1) 'Board' shall mean the Texas Private Employment Agency
2 Regulatory Board.

3 "Section 2. Exceptions. The provisions of this Act shall
4 not apply to agencies engaged solely in the procurement of employ-
5 ment for public school teachers and administrators; the provisions
6 of this Act shall not apply to any employment agency established
7 and operated by this state, the United States government, or any
8 municipal government of this state; the provisions of this Act
9 shall not apply to any person who may operate a labor bureau or
10 employment office in conjunction with his own business for the sole
11 and exclusive purpose of employing help for his own use within or
12 without this state, nor to any common carrier operating in this
13 state who may operate an employment office in conjunction with his
14 own business for the exclusive purpose of employing help for his
15 own use within or without this state, provided that no fee or other
16 charge or reduction is exacted from the salary or wages of the
17 worker for employment given. If a fee or charge of any kind,
18 either directly or indirectly is exacted of a worker, then said
19 employer is deemed a private employment agency and is subject to
20 the provisions of this Act. The provisions of this Act shall not
21 apply to farmers or stock raisers acting jointly or severally in
22 securing laborers for their own use in this State where no fee is
23 charged or collected, either directly or indirectly for employment
24 given; the provisions of this Act shall not apply to persons acting
25 for members of their own family. The provisions of this Act shall
26 not apply to any person, corporation, or charitable association
27 chartered under the laws of Texas for the purpose of conducting a
28 free employment bureau or agency, nor to any veterans' association
29 or organization or labor union, nor to any nurses' organization
30 operated and conducted by registered nurses for the enrollment of
31 its professional members only for the purpose of providing profes-
32 sional service to the public; the provisions of this Act shall not
33 apply to a labor agent engaged exclusively in the business of pro-
34 curing common laborers or agricultural workers for employers or any
35 person engaged exclusively in the business of procuring or attempt-
36 ing to procure jobs for common laborers or agricultural workers;
37 nor to any service specifically operated to furnish baby-sitters.

38 "Section 3. Creation and Composition of the Board. (a) The
39 Texas Private Employment Agency Regulatory Board is hereby created.
40 Its main office is in Austin, at the location of the office of the
41 commissioner.

42 "(b) The board is composed of nine members appointed by the
43 governor with the advice and consent of the Senate.

44 "(c) To be qualified for appointment as a member of the
45 board, a person must be a citizen of the United States and a resi-
46 dent of Texas and shall have been actively engaged in the private
47 employment agency business as an operator owning an interest in a
48 private employment agency in the State of Texas for a period of
49 five years next preceding the date of his appointment.

50 "(d) No more than two members of the board may be residents
51 of the same state senatorial district.

52 "(e) Members of the board shall hold office for six years
53 and until their successors are appointed and have qualified; pro-
54 vided however, that a member's appointment shall automatically

1 terminate in the event such member should cease owning an interest
2 in a private employment agency during the term of the appointment.
3 The first board hereunder shall be appointed on the following
4 basis: one-third of the members of the board for two years, one-
5 third of the members for four years and one-third of the members
6 for six years.

7 "(f) Members of the board qualify by taking the consti-
8 tutional oath of office before an officer authorized to administer
9 oaths in this state. When a board member presents his oath of
10 office and the certificate of his appointment to the secretary of
11 state, the secretary of state shall issue a commission to him. The
12 commission from the secretary of state is evidence of authority to
13 act as a member of the board.

14 "(g) The board shall formally elect a chairman and
15 secretary-treasurer from its members. The board may adopt rules
16 necessary for the orderly conduct of its business.

17 "(h) Six members of the board constitutes a quorum for the
18 transaction of business and may act for the board. The board shall
19 adopt a seal. The board shall prepare and preserve minutes and
20 other records of its proceedings and action.

21 "(i) Members of the board do not receive a salary for their
22 services but each member is entitled to \$25 for each day spent in
23 attending meetings of the board, including time spent in travel to
24 and from the meetings, not to exceed \$500 a year. Members of the
25 board are also entitled to be reimbursed for travel and other
26 necessary expenses incurred while performing their official duties
27 if the expenses are evidenced by voucher approved by the chairman
28 or secretary-treasurer of the board.

29 "Section 4. Applications for License to Maintain and Operate
30 a Private Employment Agency. Applications for license to maintain
31 and operate a private employment agency shall be made by a licensed
32 operator and shall be accompanied by a fee of \$150. Separate
33 applications shall be made for each unit or location where a pri-
34 vate employment agency is to be operated and for which a license is
35 sought. Each license shall expire on August 31 of each year and
36 shall be renewable as hereinafter provided. The commissioner shall
37 allow credit for any unused portion of the licenses outstanding on
38 the effective date hereof.

39 "Section 5. Application for License as an Operator.

40 (a) Application for a license as an operator may be made by and
41 issued to any person who (1) is a citizen of the United States,
42 (2) has been a resident of the State of Texas for one year next
43 preceding the filing of said application, (3) is of good moral
44 character, (4) is at least 24 years of age, (5) has never been con-
45 victed of an offense involving moral turpitude, and (6) success-
46 fully passes the examination prescribed herein.

47 "(b) The application shall be accompanied by the annual
48 license fee of \$15 plus an examination fee of \$25. In the event
49 the examination is not passed, the \$15 fee shall be refunded but
50 the \$25 shall not. All operators' licenses shall expire on
51 August 31st of each year.

52 "Section 6. Application Forms. All applications for a
53 license hereunder shall be made upon forms provided by the bureau
54 of labor statistics and shall state such information as the board

1 and the commissioner may require, which shall include affirmative
2 evidence of ability to comply with reasonable standards, rules, and
3 regulations as are lawfully prescribed hereunder.

4 "Section 7. Renewal of Licenses. (a) A private employment
5 agency license may be renewed annually by the operator thereof
6 filing an application upon the forms provided and the payment of a
7 \$150 renewal fee.

8 "(b) An operator's license may be renewed annually by the
9 operator by the filing of application for renewal upon forms pro-
10 vided for such renewal and the payment of \$15 renewal fee.

11 "Section 8. Bond. Each applicant for a private employment
12 agency license or renewal shall, before such license is issued,
13 make and file with the Commissioner a good and sufficient bond
14 executed by the applicant with good and sufficient surety in the
15 penal sum of \$5,000 payable to the State of Texas; said bond shall
16 be conditioned that the obligor will not violate any of the duties,
17 terms, conditions, and requirements of this Act, and that the prin-
18 cipal, his agents or representatives will not make any false repre-
19 sentation or statement to any person soliciting assistance from him
20 for employees or employment, or solicited by him to accept employ-
21 ment. Said bond is to further recite that any person injured or
22 aggrieved by any false or fraudulent statement of such agent, his
23 sub-agent or representatives, or any violation of any provision of
24 this Act thereof by such agent, sub-agent or representative, shall
25 be entitled to bring suit thereon. Provided, however, that one
26 such bond shall suffice where the same person shall make applica-
27 tion for more than one office.

28 "Section 9. Examinations. (a) The examination for an
29 operator's license shall be prepared by the board and shall cover
30 the laws and regulations relating to the operations of a private
31 employment agency, the laws relating to discrimination in employ-
32 ment and related to labor legislation, and general matters related
33 to the management and operation of a private employment agency.
34 The questions for such examination shall be taken from a list of
35 questions which shall have been furnished to the individual taking
36 such examination together with a form of acceptable answers thereto
37 upon request.

38 "(b) All examinations required by this Act shall be given at
39 such times and places as the board may direct, provided however,
40 such examinations shall be given at least every 60 days.

41 "Section 10. The commissioner, upon receiving an application
42 for any type of license, shall inspect or cause to be inspected
43 said application and shall make such investigation as may be neces-
44 sary to determine that the applicant is qualified; provided however,
45 that all applications must be accepted and approved, or a date set
46 for examination, or rejected, as the case may be, within 30 days of
47 the date of filing thereof. In the event of examination being
48 necessary, the license shall be issued or denied within 30 days of
49 the taking of said examination. Any agency applicant, upon request
50 to the commissioner, may see his examination papers within 90 days
51 immediately following the announcement of the date a license has
52 been denied to him as a result of his having failed his examination.

53 "Section 11. Grandfather Clause. All private employment
54 agencies in business and operating and holding a license as a pri-
55 vate employment agent on January 1, 1969, shall be entitled to be

1 licensed under this Act, and all individuals functioning as an
2 operator of a private employment agency holding a license from the
3 State of Texas on January 1, 1969, shall be entitled to receive a
4 license as an operator under this Act, upon filing an application
5 upon a form provided, and upon payment of the fee as prescribed
6 herein, without meeting the examination requirements of Section 5
7 hereof.

8 "Section 12. Inspection. The commissioner, his deputies or
9 inspectors, are hereby authorized and directed to enforce the pro-
10 visions of this Act and the rules and regulations promulgated by
11 the board.

12 "Section 13. Rules and Regulations. (a) The board shall
13 promulgate such rules and regulations and policies as may be neces-
14 sary for the carrying out of this Act and the enforcement of the
15 provisions herein. The board shall have the authority to promul-
16 gate rules and regulations regulating the relationship between
17 private employment agencies and operators and applicants and
18 employers. The board shall have the authority to promulgate rules
19 and regulations establishing a minimum standard of conduct and
20 ethical requirements for the operations of a private employment
21 agency and the functions of the operators.

22 "(b) The board shall have the authority to establish and
23 promulgate a schedule of permissible maximum fees allowed to be
24 charged to applicants by private employment agencies in the per-
25 formance of their services.

26 "(c) The board may promulgate provisions for the issuance of
27 a temporary license for operators to take care of emergency situa-
28 tions and for transfer of a private employment agency license.

29 "Section 14. Injunction. Any person who shall act as a pri-
30 vate employment agent, or who shall conduct an employment office,
31 without first procuring such licenses as required and provided for
32 in this Act may be enjoined from unlawfully pursuing such business
33 or occupation, and the attorney general shall bring suit for such
34 purpose in the name of the State of Texas in Travis County, and the
35 district or county attorney of any county wherein such person
36 engages in such business or conducts an employment office in viola-
37 tion of this Act is hereby authorized to maintain in the proper
38 court of said county a suit in the name of the State of Texas to
39 enjoin and prevent such person from unlawfully pursuing such occu-
40 pation. In all such cases it shall not be necessary for the attor-
41 ney bringing suit to verify the pleadings or for the state to
42 execute any bond as a condition precedent to the issuing of any
43 injunction or restraining order hereunder.

44 "Section 15. Revocation of License. Any license issued
45 under this Act may be revoked by the board upon a finding by the
46 board that the holder of such license has been convicted of violat-
47 ing any of the laws of the United States or of this state including
48 moral turpitude or is guilty of repeatedly violating any of the
49 rules or regulations promulgated by the board; provided however,
50 the holder of such license shall be entitled to notice, and such
51 notice shall contain a statement which will accurately apprise such
52 license holder of that of which he is accused and shall set the
53 time for hearing not sooner than 30 days after the date of mailing
54 of such notice, and such license holder shall be entitled to be

1 present at the hearing and represented by an attorney. All notices
2 under this section shall be mailed to the last known address of the
3 license holder as reflected in the license holder's file by certi-
4 fied or registered mail.

5 "Section 16. Appeal. Any person aggrieved by any decision
6 of the board relating to the issuance, denial, revocation, or fail-
7 ure to renew a license, or by any rule or regulation promulgated by
8 the board, may within 60 days of the date of such decision, file an
9 appeal to the District Court of Travis County, Texas. All such
10 appeals shall be tried de novo and the substantial evidence rule
11 shall not apply.

12 "Section 17. Penalty. Any person who violates any provision
13 of this Act shall be fined not less than \$100 nor more than \$500
14 and each day of such violations shall be a separate offense.

15 "Section 18. Disposition of License Fees Collected. The
16 commissioner shall deposit all money received by him from fees
17 under the provisions of this Act, in the state treasury to the
18 credit of the general revenue fund."

19 Sec. 2. The effective date of this Act shall be September 1,
20 1969, and thereafter it shall be unlawful for any person to perform
21 the services of a private employment agency as herein defined with-
22 out first having obtained a private employment agency license as
23 provided for herein and without having a duly licensed operator
24 who is responsible for such operations.

25 Sec. 3. If any provision of this Act or the application
26 thereof to any person or circumstance is held invalid, such inva-
27 lidity shall not affect other provisions or applications of the
28 Act which can be given effect without the invalid provision or
29 application, and to this end the provisions of this Act are
30 declared to be severable.

31 Sec. 4. The importance of this legislation and the crowded
32 condition of the calendars in both houses create an emergency and
33 an imperative public necessity that the Constitutional Rule requir-
34 ing bills to be read on three several days in each house be sus-
35 pended, and this Rule is hereby suspended, and that this Act take
36 effect and be in force from and after its passage, and it is so
37 enacted.
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54

BILL ANALYSIS

BACKGROUND:

The present law which licenses Private Employment Agencies was originally enacted about forty-six years ago. There have been three minor amendments thereto in the intervening years. The Private Employment Agency Business has grown tremendously with the growth of industry in Texas and as the Private Employment Agency business has grown the inconsistencies and inadequacies of the present law have become more and more pronounced, thereby placing undue burdens on the Commissioner of Labor. H. B. No. 169 has been prepared over the last two years.

PURPOSE OF BILL:

Provides for the creation of the Texas Private Employment Agency Regulatory Board; giving the board certain duties and responsibilities; establishing requirements for the licensing of private employment agency operators and private employment agencies.

SECTION BY SECTION ANALYSIS:

(Note: Section One of this bill amends Article 5221a-6, Vernon's Civil Statutes by adding 18 sections. To avoid confusion the new sections as they would appear in the statute, if amended, are preceded by the notation "Section", while the sections of the bill are preceded by the notation "SECTION".)

SECTION 1: Provides for the addition of the following 18 sections to the present statute.

Section 1: Defines the following terms: "person", "fee", "employer", "Applicant", "Private", "employment agency", "Commissioner", "Deputy or inspector", "operator", and "Board".

Section 2: The provisions of this act do not apply to the following persons or agencies:

- a. Agencies involved in the procurement of public school teachers and administrators.
- b. Any state, federal, or municipal government of this state.
- c. Anyone operating an employment office in conjunction with his own business and does not charge a fee for such services and the service is operated for the sole purpose of employing help for his own use.
- d. Farmer or stock raiser who act jointly or severally to employ help.
- e. Persons acting for members of their own family.
- f. Any persons, corporation, or charitable association operating a free employment bureau or agency.
- g. Veteran's association, organizations or labor unions.
- h. Nurses organizations operating for the purpose of "employing professional service to the public".
- i. "Labor agent" engaged "in the business of procuring common laborers or agricultural workers for employees".
- h. Any service **"specifically operated to furnish baby-sitters"**.

Section 3: This section designates that the board shall be located in Austin and shall be composed of 9 members appointed by the governor. Qualifications of members of the board are set forth as follows: He must be a citizen of the United States, resident of Texas and add/p

Furthermore members shall serve six year terms and no more than one may be a resident of the same senatorial district. No more than one member may be a resident of the same county. The composition of the board shall be: 1) two persons from an agency of not more than five persons, 2) two persons from an agency of more than five persons, 3) two persons from a franchise agency, and 4) three persons from the public. Compensation for members shall not include a salary but \$25 for each day spent in attending meetings. In addition, members may be reimbursed for expenses incurred "...while performing their official duties".

Section 4: A License to "maintain and operate a private employment agency" may be secured by a licensed operator for \$150 on an annual basis.

Section 5: This section details the procedure to follow by an applicant in applying for an Operator's License. The qualification for such a licensee are listed.

Section 6: This section describes the information that must be in an application as well as providing the Commissioner with the authority to request additional information.

Section 7: This section details the procedure to be followed in renewing both the agency and operator's license.

Section 8: Provides that a licensee must file a \$5,000 surety bond payable to the State of Texas. In case the licensee injures another person, the latter is entitled to bring suit against the licensee.

Section 9: Provides for the content and administration of the examination which must be taken by every applicate for a license.

Section 10: Provides the Commissioner with the authority to conduct an investigation of each application. Such application must be denied or issued a license within 30 days of the filing date. Also, the applicate is entitled to examine the examination he took 90 days following the date of denial of license.

Section 11: Grandfather Clause

Section 12: Provides the commissioner, his deputies, or inspectors with the authority to enforce the provisions of this act.

Section 13: Gives the board authority to promulgate rules and regulations.

Section 14: Provides for the enjoining of any party who conducts an employment office without securing proper licenses.

Section 15: Provides that a license may be revoked by the board if the licensee violates any law of the United States or Texas or repeatedly violates any rule promulgated by the board, and if the licensee is given 30 days notice which includes a list of that which he is accused. The accused is entitled to a hearing and may be represented by an attorney.

Section 16: "Any person aggrieved by a decision of the board..." has the right to appeal within 60 days of the said decision.

Section 17: Provides the penalty to be administered to those who violate any provision of this act.

Section 18: All fees collected by the board are to be deposited in the state treasury and be credited to the general revenue fund.

SECTION 2: The effective date of this act is to be September 1, 1969.

SECTION 3: Severability Clause

SECTION 4: Emergency Clause

SUMMARY OF COMMITTEE ACTION:

The Committee on Governmental Affairs and Efficiency reported ~~the~~ H. B. No. 169 back to the House with the recommendation that it do pass, as amended, and be not printed. The Committee Substituted be printed in lieu of the original bill.

FORM C

(For a favorable report on a bill where a "committee substitute" was recommended by the committee.)

COMMITTEE REPORT

Date 3-17-69,

HON. G. F. (GUS) MUTSCHER

Speaker of the House of Representatives.

Sir:

We, your Committee on Governmental Affairs + Efficiency, to whom was referred H. B. No. 169, have had the same under consideration and beg to report back with recommendation that it do pass, and be not printed.

Committee Substitute was recommended and is to be printed in lieu of the original bill.

Ben E. Gurnee
Chairman.

(A "committee substitute" in the case of a bill is in the form of two suggested amendments, a new body and a new caption. Under the Rules a committee may authorize the printing of the "committee substitute" in lieu of the original bill. If the original caption is adequate, the "committee substitute" should be only a new body; and in such case the original caption should be printed along with the suggested new body.)

Committee Substitute for H. B. No. 169

Amend H. B. No. 169 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Chapter 245, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 5221a-6, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. Definitions as used in the Act. (a) The term 'person' means an individual, partnership, association, corporation, legal representative, trustee in bankruptcy, or receiver.

"(b) 'Fee' means anything of value including money or other valuable consideration or services or the promise of any of the foregoing received by an employment agency from any person seeking employment or employers in payment for any service, either directly or indirectly.

"(c) 'Employer' means any person employing or seeking to employ any employee.

"(d) 'Applicant' means any person engaging the services of a private employment agency for the purpose of securing employment or any person placed by a private employment agency with an employer.

"(e) 'Private Employment Agency' means any person, place or establishment within this state who for a fee or without a fee offers or attempts, either directly or indirectly, to procure employment for employees or procures or attempts to procure employees for employers, except as hereinafter exempted from the provisions hereof.

"(f) 'Commissioner' shall mean the Commissioner of the Bureau of Labor Statistics, and he shall administer and enforce the provisions of this Act and the rules and regulations promulgated by the board and in all matters relating to the enforcement of this Act, shall be guided by the instructions and decisions of the board.

"(g) 'Deputy or Inspector' shall mean any person who is duly authorized by the Commissioner to act in that capacity.

"(h) 'Operator' shall mean the individual or individuals who have the responsibility for the day-to-day management, supervision and conduct of a private employment agency; and an operator may manage more than one office.

"(i) 'Board' shall mean the Texas Private Employment Agency Regulatory Board.

Committee Amendment No. 1
Lup

Joe Litchell
Lup

APR 29 1969

DATE

READ AND ADOPTED

as amended
Dorothy Hallman

CHIEF CLERK
HOUSE OF REPRESENTATIVES

PA
4-29-69

PA 4-29-69
PA 5-29-69

"Section 2. Exceptions. The provisions of this Act shall not apply to agencies engaged solely in the procurement of employment for public school teachers and administrators; the provisions of this Act shall not apply to any employment agency established and operated by this state, the United States government, or any municipal government of this state; the provisions of this Act shall not apply to any person who may operate a labor bureau or employment office in conjunction with his own business for the sole and exclusive purpose of employing help for his own use within or without this state, nor to any common carrier operating in this state who may operate an employment office in conjunction with his own business for the exclusive purpose of employing help for his own use within or without this state, provided that no fee or other charge or reduction is exacted from the salary or wages of the worker for employment given. If a fee or charge of any kind, either directly or indirectly is exacted of a worker, then said employer is deemed a private employment agency and is subject to the provisions of this Act. The provisions of this Act shall not apply to farmers or stock raisers acting jointly or severally in securing laborers for their own use in this State where no fee is charged or collected, either directly or indirectly for employment given; the provisions of this Act shall not apply to persons acting for members of their own family. The provisions of this Act shall not apply to any person, corporation, or charitable association chartered under the laws of Texas for the purpose of conducting a free employment bureau or agency, nor to any veterans' association or organization or labor union; nor to any nurses' organization operated and conducted by registered nurses for the enrollment of its professional members only for the purpose of providing professional service to the public; the provisions of this Act shall not apply to a labor agency engaged exclusively in the business of procuring common laborers or agricultural workers for employers or any person engaged exclusively in the business of procuring or attempting to procure jobs for common laborers or agricultural workers.

"Section 3. Creation and Composition of the Board. (a) The Texas Private Employment Agency Regulatory Board is hereby created. Its main office is in Austin, at the location of the office of the commissioner.

"(b) The board is composed of nine members appointed by the Governor with the advice and consent of the Senate.

"(c) To be qualified for appointment as a member of the board, a person must be a citizen of the United States and a resident of Texas and shall have been actively engaged in the private employment agency business as an operator owning an interest in a private employment agency in the State of Texas for a period of five years next preceding the date of his appointment.

"(d) No more than one member of the Board may be from any one senatorial district and no more than ~~two~~ ^{one} member of the Board may be from the same county. Further, the board shall be composed of ~~three~~ ^{two} members who at the time of their appointment operate an agency in which not more than five persons are engaged in the operations thereof and such agency is not, directly or indirectly, a part of a multiple office or franchise operation; ~~three~~ ^{two} members who at the time of their appointment operate an agency in which more than five persons are engaged in the operation thereof and such agency is not, directly or indirectly, a part of a multiple office or franchise operation; ~~three~~ ^{two} members who at the time of their appointment operate an agency which is either a part of a multiple office operation or of a franchise operation, but not more than one person from any one such multiple office or franchise operation may serve on the board simultaneously. ~~The appointments shall be so made that the term of one from each of the above described groups shall expire each two years.~~ For the purpose of this section agencies belonging or subscribing to a referral system shall not be considered as a multiple office or franchise operation because of such membership in or subscription to such referral service.

Three members from the public who have no connection, directly or indirectly, with any employment agency and who have no prejudice against private employment agencies.

"(e) Members of the board shall hold office for six years and until their successors are appointed and have qualified; provided however, that a member's appointment shall automatically terminate in the event such member shall cease owning an interest in a private employment agency during the term of the appointment. The first board hereunder shall be appointed on the following basis: one-third of the members of the board for two years, one-third of the members for four years and one-third of the members for six years.

"(f) Members of the board qualify by taking the constitutional oath of office before an officer authorized to administer oaths in this state. When a board member presents his oath of office and the certificate of his appointment to the Secretary of State, the Secretary of State shall issue a commission to him. The commission from the Secretary of State is evidence of authority to act as a member of the board.

"(g) The board shall formally elect a chairman and secretary-treasurer from its members. The board may adopt rules necessary for the orderly conduct of its business.

"(h) Six members of the board constitutes a quorum for the transaction of business and may act for the board. The board shall adopt a seal. The board shall prepare and preserve minutes and other records of its proceedings and action.

"(i) Members of the board do not receive a salary for their services but each member is entitled to \$25 for each day spent in attending meetings of the board, including time spent in travel to and from the meetings, not to exceed \$500 a year. Members of the board are also entitled to be reimbursed for travel and other necessary expenses incurred while performing their official duties if the expenses are evidenced by voucher approved by the chairman or secretary-treasurer of the board.

"Section 4. Applications for License to Maintain and Operate a Private Employment Agency. Applications for license to maintain and operate a private employment agency shall be made by a licensed operator and shall be accompanied by a fee of \$150. Separate applications shall be made for each unit or location where a private employment agency is to be operated and for which a license is sought. Each license shall expire on August 31 of each year and shall be renewable as hereinafter provided. The commissioner shall allow credit for any unused portion of the licenses outstanding on the effective date hereof.

"Section 5. Application for License as an Operator.

(a) Application for a license as an operator may be made by and shall be issued to any person who (1) is a citizen of the United States, (2) has been a resident of the State of Texas for one year next preceding the filing of said application, (3) is of good moral character, (4) has never been convicted of an offense involving moral turpitude, and (5) successfully passes the examination prescribed herein.

"(b) The application shall be accompanied by the annual license fee of \$15 plus an examination fee of \$25. In the event the examination is not passed, the \$15 fee shall be refunded but the \$25 shall not. All operators' licenses shall expire on August 31st of each year.

"Section 6. Application Forms. All applications for a license hereunder shall be made upon forms provided by the Bureau of Labor Statistics and shall state such information as the board

1 and the commissioner may require, which shall include affirmative
2 evidence of ability to comply with reasonable standards, rules, and
3 regulations as are lawfully prescribed hereunder.

4 "Section 7. Renewal of Licenses. (a) A private employment
5 agency license may be renewed annually by the operator thereof
6 filing an application upon the forms provided and the payment of a
7 \$150 renewal fee.

8 "(b) An operator's license may be renewed annually by the
9 operator by the filing of application for renewal upon forms pro-
10 vided for such renewal and the payment of \$15 renewal fee.

11 "Section 8. Bond. Each applicant for a private employment
12 agency license or renewal shall, before such license is issued,
13 make and file with the Commissioner a good and sufficient bond
14 executed by the applicant with good and sufficient surety in the
15 penal sum of \$5,000 payable to the State of Texas; said bond shall
16 be conditioned that the obligor will not violate any of the duties,
17 terms, conditions, and requirements of this Act, and that the prin-
18 cipal, his agents or representatives will not make any false repre-
19 sentation or statement to any person soliciting assistance from him
20 for employees or employment, or solicited by him to accept employ-
21 ment. Said bond is to further recite that any person injured or
22 aggrieved by any false or fraudulent statement of such agent, his
23 sub~~agent~~ agent or representatives, or any violation of any provision of
24 this Act thereof by such agent, sub~~agent~~ agent or representative, shall
25 be entitled to bring suit thereon. Provided, however, that one
26 such bond shall suffice where the same person shall make applica-
27 tion for more than one office.

28 "Section 9. Examinations. (a) The examination for an
29 operator's license shall be prepared by the board and shall cover
30 the laws and regulations relating to the operations of a private
31 employment agency, the laws relating to discrimination in employ-
32 ment and related to labor legislation, and general matters related
33 to the management and operation of a private employment agency.
34 The questions for such examination shall be taken from a list of
35 questions which shall have been furnished to the individual taking
36 such examination together with a form of acceptable answers thereto
37 upon request.

38 "(b) All examinations required by this Act shall be given at
39 such times and places as the board may direct, provided however,
40 such examinations shall be given at least every 60 days.

41 "Section 10. The commissioner, upon receiving an application
42 for any type of license, shall inspect or cause to be inspected
43 said application and shall make such investigation as may be neces-
44 sary to determine that the applicant is qualified; provided however,
45 that all applications must be accepted and approved, or a date set
46 for examination, or rejected, as the case may be, within 30 days of
47 the date of filing thereof. In the event of examination being
48 necessary, the license shall be issued or denied within 30 days of
49 the taking of said examination. Any applicant, upon request
50 to the commissioner, may see his examination papers within 90 days
51 immediately following the announcement of the date a license has
52 been denied to him as a result of his having failed his examination.

53 "Section 11. Grandfather Clause. All private employment
54 agencies in business and operating and holding a license as a pri-
55 vate employment agent on Sept. 1, 1969, shall be entitled to be

license⁸ under this Act, and all individuals functioning as an operator of a private employment agency holding a license from the State of Texas on September 1, 1969, shall be entitled to receive a license as an operator under this Act, upon filing an application upon a form provided, and upon payment of the fee as prescribed herein, without meeting the examination requirements of Section 5 hereof.

"Section 12. Inspection. The commissioner, his deputies or inspectors, are hereby authorized and directed to enforce the provisions of this Act and the rules and regulations promulgated by the board.

insert ③ "Section 13. Rules and Regulations. (a) The board shall promulgate such rules and regulations and policies as may be necessary for the carrying out of this Act and the enforcement of the provisions herein. The board shall have the authority to promulgate rules and regulations regulating the relationship between private employment agencies, and operators and applicants and employers. The board shall have the authority to establish and promulgate a schedule of permissible maximum fees allowed to be charged to applicants by private employment agencies in the performance of their services.

"(b) The board may promulgate provisions for the issuance of a temporary license for operators for emergency situations and for transfer of a private employment agency license.

"(c) All board meetings considering any of the matters contained in this section shall be held only after notice of such meeting and the matters to be considered thereat have been given to every license holder by mail at least ten (10) days prior to the date of hearing.

"(d) No employer seeking employees, and no person seeking employment, shall knowingly make any false statement or conceal any material facts for the purpose of obtaining employees, or employment by or through any Private Employment Agency.

"The board shall promulgate such rules and regulations as may be necessary to implement and carry out the intent and purpose of this subsection.

"Section 14. Injunction. Any person who shall operate a private employment agency, or who shall conduct an employment office, without first procuring such licenses as required and provided for in this Act may be enjoined from unlawfully pursuing such business or occupation, and the attorney general shall bring suit for such purpose in the name of the State of Texas in Travis County, and the district or county attorney of any county wherein such person engages in such business or conducts an employment office in violation of this Act is hereby authorized to maintain in the proper court of said county a suit in the name of the State of Texas to enjoin and prevent such person from unlawfully pursuing such occupation. In all such cases it shall not be necessary for the attorney bringing suit to verify the pleadings or for the state to execute any bond as a condition precedent to the issuing of any injunction or restraining order hereunder.

"Section 15. Revocation of License. Any license issued under this Act may be revoked by the board upon a finding by the board that the holder of such license has been convicted of violating any of the laws of the United States or of this state involving moral turpitude or is guilty of repeatedly violating any of the rules or regulations promulgated by the board; provided however, the holder of such license shall be entitled to notice, and such notice shall contain a statement which will accurately apprise such license holder of that of which he is accused and shall set the time for hearing not sooner than 30 days after the date of mailing of such notice, and such license holder shall be entitled to be

present at the hearing and represented by an attorney. All notices under this section shall be mailed to the last known address of the license holder as reflected in the license holder's file by certified or registered mail.

"Section 16. Appeal. Any person aggrieved by any decision of the board relating to the issuance, denial, revocation, or failure to renew a license, or by any rule or regulation promulgated by the board, may within 60 days of the date of such decision, file an appeal to the District Court of Travis County, Texas. All such appeals shall be tried de novo and the substantial evidence rule shall not apply.

"Section 17. Penalty. From and after the effective date hereof it shall be unlawful for any person to engage in the private employment agency business as herein defined without having first complied with all of the requirements hereof and any person who violates or fails to so comply with the provisions hereof shall be guilty of a misdemeanor and shall be fined not less than \$100 nor more than \$500 or by imprisonment of not more than 6 months or by both such fine and imprisonment. Each day of such violation shall constitute a separate offense.

"Section 18. Disposition of License Fees Collected. The commissioner shall deposit all money received by him from fees under the provisions of this Act, in the state treasury to the credit of the general revenue fund."

Sec. 2. The effective date of this Act shall be September 1, 1969, and thereafter it shall be unlawful for any person to perform the services of a private employment agency as herein defined without first having obtained a private employment agency license as provided for herein and without having a duly licensed operator who is responsible for such operations.

Sec. 3. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Substitute for H. B. No. 169

Committee Amendment No. 2 *RWD*

Amend H. B. No. 169 by striking all above the enacting clause
and substituting in lieu thereof the following:

Insert ②
Com. Amd. No 2.

~~Committee Substitute for H. B. 169~~

A BILL TO BE ENTITLED

AN ACT

creating the Texas Private Employment Agency
Regulatory Board; giving the board certain
duties and responsibilities; establishing
certain requirements for the licensing of
private employment agencies and private
employment agency operators; amending Chap-
ter 245, Acts of the 51st Legislature, Regular
Session, 1949, as amended (Article 5221a-6,
Vernon's Texas Civil Statutes); providing
severability of this Act; repealing all laws
in conflict; and declaring an emergency.

~~BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:~~

JB 4-29-49

Pa 4-29-69
JB 5-29-69

Floyd

(2)

4/20/69

Amend Committee Amendment No. 1

to H B 169

(3)

substituting a comma for
by ~~eliminating~~ the period after the word
"Employers" on line 7 of Section 13
and inserting the following:

provided that such rules and regulations
shall contain a provision that it shall
be unlawful for any private employment
agency to rebate to any employee a
portion of any fee received from the
applicant, and further that each violation
shall constitute a separate offense, and
that the fine for the violation of such
provision shall not be less than \$250.

APR 29 1969

DATE

READ AND ADOPTED

Dorothy Hall
CHIEF CLERK
HOUSE OF REPRESENTATIVES

4.29.69

By: Ratcliff

H.B. No. 169

Amendment ① →

A BILL TO BE ENTITLED

AN ACT

creating the Texas Private Employment Agency Regulatory Board; giving the board certain duties and responsibilities; establishing certain requirements for the licensing of private employment agencies and private employment agency operators; amending Chapter 245, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 5221a-6, Vernon's Texas Civil Statutes); providing severability of this Act; repealing all laws in conflict; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Chapter 245, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 5221a-6, Vernon's Texas Civil Statutes), is amended to read as follows: _____

"Section 1. Definitions as used in the Act. (a) The term 'person' means an individual, partnership, association, corporation, legal representative, trustee in bankruptcy, or receiver. _____

"(b) 'Fee' means anything of value including money or other valuable consideration or services or the promise of any of the foregoing received by an employment agency from any person seeking employment or employers in payment for any service, either directly or indirectly. _____

"(c) 'Employer' means any person employing or seeking to employ any employee. _____

"(d) 'Applicant' means any person engaging the services of a private employment agency for the purpose of securing employment or any person placed by a private employment agency with an employer.

"(e) 'Private Employment Agency' means any person, place or establishment within this state who for a fee or without a fee offers or attempts, either directly or indirectly, to procure employment for employees or procures or attempts to procure employees for employers, except as hereinafter exempted from the provisions hereof.

"(f) 'Commissioner' shall mean the Commissioner of the Bureau of Labor Statistics, and he shall administer and enforce the provisions of this Act and the rules and regulations promulgated by the board and in all matters relating to the enforcement of this Act, shall be guided by the instructions and decisions of the board.

"(g) 'Deputy or inspector' shall mean any person who is duly authorized by the Commissioner to act in that capacity.

"(h) 'Operator' shall mean the individual or individuals who have the responsibility for the day-to-day management, supervision and conduct of a private employment agency; and an operator may manage more than one office.

"(i) 'Board' shall mean the Texas Private Employment Agency Regulatory Board.

"Section 2. Exceptions. The provisions of this Act shall not apply to agencies engaged solely in the procurement of employment for public school teachers and administrators; the provisions

of this Act shall not apply to any employment agency established and operated by this state, the United States government, or any municipal government of this state; the provisions of this Act shall not apply to any person who may operate a labor bureau or employment office in conjunction with his own business for the sole and exclusive purpose of employing help for his own use within or without this state, nor to any common carrier operating in this state who may operate an employment office in conjunction with his own business for the exclusive purpose of employing help for his own use within or without this state, provided that no fee or other charge or reduction is exacted from the salary or wages of the worker for employment given. If a fee or charge of any kind, either directly or indirectly is exacted by a worker, then said employer is deemed a private employment agency and is subject to the provisions of this Act. The provisions of this Act shall not apply to farmers or stock raisers acting jointly or severally in securing laborers for their own use in this State where no fee is charged or collected, either directly or indirectly for employment given; the provisions of this Act shall not apply to persons acting for members of their own family. The provisions of this Act shall not apply to any person, corporation, or charitable association chartered under the laws of Texas for the purpose of conducting a free employment bureau or agency, nor to any veterans' association or organization or labor union; nor to any nurses' organization

operated and conducted by registered nurses for the enrollment of its professional members only for the purpose of providing professional service to the public; the provisions of this Act shall not apply to a labor agency engaged exclusively in the business of procuring common laborers or agricultural workers for employers or any person engaged exclusively in the business of procuring or attempting to procure jobs for common laborers or agricultural workers._____

"Section 3. Creation and Composition of the Board. (a) The Texas Private Employment Agency Regulatory Board is hereby created. Its main office is in Austin, Texas, at the location of the office of the commissioner._____

"(b) The board is composed of nine members appointed by the Governor with the advice and consent of the Senate._____

"(c) To be qualified for appointment as a member of the board, a person must be a citizen of the United States and a resident of Texas and shall have been actively engaged in the private employment agency business as an operator owning an interest in a private employment agency in the State of Texas for a period of five years next preceeding the date of his appointment._____

"(d) No more than one member of the Board may be from any one senatorial district and no more than one member of the Board may be from the same county. Further, the board shall be composed of two members who at the time of their appointment operate an agency in which not more than five persons are engaged in the operations thereof and such agency is not, directly or indirectly, a part of a multiple office or franchise operation; two members who_____

at the time of their appointment operate an agency in which more than five persons are engaged in the operation thereof and such agency is not, directly or indirectly, a part of a multiple office or franchise operation; two members who at the time of their appointment operate an agency which is either a part of a multiple office operation or of a franchise operation, but not more than one person from any one such multiple office or franchise operation may serve on the board simultaneously. Three members from the public who have no connection, directly or indirectly, with any employment agency and who have no prejudice against private employment agencies. For the purpose of this section agencies belonging or subscribing to a referral system shall not be considered as a multiple office or franchise operation because of such membership in or subscription to such referral service.

"(e) Members of the board shall hold office for six years and until their successors are appointed and have qualified; provided however, that a member's appointment shall automatically terminate in the event such member shall cease owning an interest in a private employment agency during the term of the appointment. The first board hereunder shall be appointed on the following basis: one-third of the members of the board for two years, one-third of the members for four years and one-third of the members for six years.

"(f) Members of the board qualify by taking the constitutional oath of office before an officer authorized to administer oaths in this state. When a board member presents his oath of

office and the certificate of his appointment to the Secretary of State, the Secretary of State shall issue a commission to him. The commission from the Secretary of State is evidence of authority to act as a member of the board. _____

"(g) The board shall formally elect a chairman and secretary-treasurer from its members. The board may adopt rules necessary for the orderly conduct of its business. _____

"(h) Six members of the board constitutes a quorum for the transaction of business and may act for the board. The board shall adopt a seal. The board shall prepare and preserve minutes and other records of its proceedings and action. _____

"(i) Members of the board do not receive a salary for their services but each member is entitled to \$25 for each day spent in attending meetings of the board, including time spent in travel to and from the meetings, not to exceed \$500 a year. Members of the board are also entitled to be reimbursed for travel and other necessary expenses incurred while performing their official duties if the expenses are evidenced by voucher approved by the chairman or secretary-treasurer of the board. _____

"Section 4. Applications for License to Maintain and Operate a Private Employment Agency. Applications for license to maintain and operate a private employment agency shall be made by a licensed operator and shall be accompanied by a fee of \$150. Separate applications shall be made for each unit or location where a private employment agency is to be operated and for which a license is sought. Each license shall expire on August 31 of each year _____

and shall be renewable as hereinafter provided. The commissioner shall allow credit for any unused portion of the licenses outstanding on the effective date hereof.

"Section 5. Application for License as an Operator.

(a) Application for a license as an operator may be made by and shall be issued to any person who (1) is a citizen of the United States, (2) has been a resident of the State of Texas for one year next preceding the filing of said application, (3) is of good moral character, (4) has never been convicted of an offense involving moral turpitude, and (5) successfully passes the examination prescribed herein.

"(b) The application shall be accompanied by the annual license fee of \$15 plus an examination fee of \$25. In the event the examination is not passed, the \$15 fee shall be refunded but the \$25 shall not. All operators' licenses shall expire on August 31st of each year.

"Section 6. Application Forms. All applications for a license hereunder shall be made upon forms provided by the Bureau of Labor Statistics and shall state such information as the board and the commissioner may require, which shall include affirmative evidence of ability to comply with reasonable standards, rules, and regulations as are lawfully prescribed hereunder.

"Section 7. Renewal of Licenses. (a) A private employment agency license may be renewed annually by the operator thereof filing an application upon the forms provided and the payment of a \$150 renewal fee.

"(b) An operator's license may be renewed annually by the operator by the filing of application for renewal upon forms provided for such renewal and the payment of \$15 renewal fee. _____

"Section 8. Bond. Each applicant for a private employment agency license or renewal shall, before such license is issued, make and file with the Commissioner a good and sufficient bond executed by the applicant with good and sufficient surety in the penal sum of \$5,000 payable to the State of Texas; said bond shall be conditioned that the obligor will not violate any of the duties, terms, conditions, and requirements of this Act, and that the principal, his agents or representatives will not make any false representation or statement to any person soliciting assistance from him for employees or employment, or solicited by him to accept employment. Said bond is to further recite that any person injured or aggrieved by any false or fraudulent statement of such agent, his subagent or representatives, or any violation of any provision of this Act thereof by such agent, subagent or representative, shall be entitled to bring suit thereon. Provided, however, that one such bond shall suffice where the same person shall make application for more than one office. _____

"Section 9. Examinations. (a) The examination for an operator's license shall be prepared by the board and shall cover the laws and regulations relating to the operations of a private employment agency, the laws relating to discrimination in employment and related to labor legislation, and general matters related to the management and operation of a private employment agency. The questions for such examination shall be taken from a list of _____

questions which shall have been furnished to the individual taking such examination together with a form of acceptable answers thereto upon request. _____

"(b) All examinations required by this Act shall be given at such times and places as the board may direct, provided however, such examinations shall be given at least every 60 days. _____

"Section 10. The commissioner, upon receiving an application for any type of license, shall inspect or cause to be inspected said application and shall make such investigation as may be necessary to determine that the applicant is qualified; provided however, that all applications must be accepted and approved, or a date set for examination, or rejected, as the case may be, within 30 days of the date of filing thereof. In the event of examination being necessary, the license shall be issued or denied within 30 days of the taking of said examination. Any applicant, upon request to the commissioner, may see his examination papers within 90 days immediately following the announcement of the date a license has been denied to him as a result of his having failed his examination. _____

"Section 11. Grandfather Clause. All private employment agencies in business and operating and holding a license as a private employment agent on September 1, 1969, shall be entitled to be licensed under this Act, and all individuals functioning as an operator of a private employment agency holding a license from the State of Texas on September 1, 1969, shall be entitled to receive a license as an operator under this Act, upon filing an application upon a form provided, and upon payment of the fee as prescribed _____

herein, without meeting the examination requirements of Section 5 hereof. _____

"Section 12. Inspection. The commissioner, his deputies or inspectors, are hereby authorized and directed to enforce the provisions of this Act and the rules and regulations promulgated by the board. _____

"Section 13. Rules and Regulations. (a) The board shall promulgate such rules and regulations and policies as may be necessary for the carrying out of this Act and the enforcement of the provisions herein. The board shall have the authority to promulgate rules and regulations regulating the relationship between private employment agencies, and operators and applicants and employers, provided that such rules and regulations shall contain a provision that it shall be unlawful for any private employment agency to rebate to any employer a portion of any fee received from the applicant, and further that each violation shall constitute a separate offense, and that the fine for the violation of such provision shall not be less than \$250. The board shall have the authority to establish and promulgate a schedule of permissible maximum fees allowed to be charged to applicants by private employment agencies in the performance of their services. _____

"(b) The board may promulgate provisions for the issuance of a temporary license for operators for emergency situations and for transfer of a private employment agency license. _____

"(c) All board meetings considering any of the matters contained in this section shall be held only after notice of such meeting and the matters to be considered thereat have been given _____

to every license holder by mail at least ten (10) days prior to the date of hearing. _____

"(d) No employer seeking employees, and no person seeking employment, shall knowingly make any false statement or conceal any material facts for the purpose of obtaining employees, or employment by or through any private employment agency. _____

"The board shall promulgate such rules and regulations as may be necessary to implement and carry out the intent and purpose of this subsection. _____

"Section 14. Injunction. Any person who shall operate a private employment agency, or who shall conduct an employment office, without first procuring such licenses as required and provided for in this Act may be enjoined from unlawfully pursuing such business or occupation, and the attorney general shall bring suit for such purpose in the name of the State of Texas in Travis County, and the district or county attorney of any county wherein such person engages in such business or conducts an employment office in violation of this Act is hereby authorized to maintain in the proper court of said county a suit in the name of the State of Texas to enjoin and prevent such person from unlawfully pursuing such occupation. In all such cases it shall not be necessary for the attorney bringing suit to verify the pleadings or for the state to execute any bond as a condition precedent to the issuing of any injunction or restraining order hereunder. _____

"Section 15. Revocation of License. Any license issued under this Act may be revoked by the board upon a finding by the board that the holder of such license has been convicted of violating any of the laws of the United States or of this state involving moral turpitude or is guilty of repeatedly violating any of the rules or regulations promulgated by the board; provided however, the holder of such license shall be entitled to notice, and such notice shall contain a statement which will accurately apprise such license holder of that of which he is accused and shall set the time for hearing not sooner than 30 days after the date of mailing of such notice, and such license holder shall be entitled to be present at the hearing and represented by an attorney. All notices under this section shall be mailed to the last known address of the license holder as reflected in the license holder's file by certified or registered mail.

"Section 16. Appeal. Any person aggrieved by any decision of the board relating to the issuance, denial, revocation, or failure to renew a license, or by any rule or regulation promulgated by the board, may within 60 days of the date of such decision, file an appeal to the District Court of Travis County, Texas. All such appeals shall be tried de novo and the substantial evidence rule shall not apply.

"Section 17. Penalty. From and after the effective date hereof it shall be unlawful for any person to engage in the private employment agency business as herein defined without having first complied with all of the requirements hereof and any person who violates or fails to so comply with the provisions hereof shall be

guilty of a misdemeanor and shall be fined not less than \$100 nor more than \$500 or by imprisonment of not more than 6 months or by both such fine and imprisonment. Each day of such violation shall constitute a separate offense. _____

"Section 18. Disposition of License Fees Collected. The commissioner shall deposit all money received by him from fees under the provisions of this Act in the state treasury to the credit of the general revenue fund."" _____

Sec. 2. The effective date of this Act shall be September 1, 1969, and thereafter it shall be unlawful for any person to perform the services of a private employment agency as herein defined without first having obtained a private employment agency license as provided for herein and without having a duly licensed operator who is responsible for such operations. _____

Sec. 3. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable. _____

Sec. 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take _____

H.B. No. 169

effect and be in force from and after its passage, and it is so
enacted.

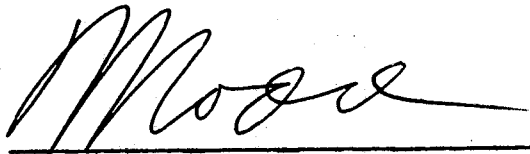
Austin, Texas

MAY 20, 1969

Honorable Ben Barnes
President of the Senate

Sir:

We, your Committee on STATE AFFAIRS,
to which was referred H B. No. 169, have had the same under
consideration, and I am instructed to report it back to the Senate
with the recommendation that it do not pass, but that the
Committee Substitute adopted in lieu thereof do pass and be
printed.


Chairman

CAS

Mark

COMMITTEE SUBSTITUTE FOR H.B. No. 169

Amendment ① → A BILL TO BE ENTITLED
AN ACT

creating the Texas Private Employment Agency Regulatory Board; giving the board certain duties and responsibilities; establishing certain requirements for the licensing of private employment agencies and private employment agency operators; amending Chapter 245, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 5221a-6, Vernon's Texas Civil Statutes); providing for severability; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Chapter 245, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 5221a-6, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. Definitions as used in the Act. (a) The term 'person' means an individual, partnership, association, corporation, legal representative, trustee in bankruptcy, or receiver.

"(b) 'Fee' means anything of value including money or other valuable consideration or services or the promise of any of the foregoing received by an employment agency from any person seeking employment or employers in payment for any service, either directly or indirectly.

"(c) 'Employer' means any person employing or seeking to employ any employee.

"(d) 'Applicant' means any person engaging the services of a private employment agency for the purpose of securing employment or any person placed by a private employment agency with an employer.

"(e) 'Private Employment Agency' means any person, place or establishment within this state who for a fee or without a fee offers or attempts, either directly or indirectly, to procure employment for employees or procures or attempts to procure employees for employers, except as hereinafter exempted from the provisions hereof.

"(f) 'Commissioner' shall mean the Commissioner of the Bureau of Labor Statistics, and he shall administer and enforce the provisions of this Act and the rules and regulations promulgated by the board and in all matters relating to the enforcement of this Act, shall be guided by the instructions and decisions of the board.

"(g) 'Deputy or inspector' shall mean any person who is duly authorized by the commissioner to act in that capacity.

"(h) 'Operator' shall mean the individual or individuals who have the responsibility for the day-to-day management, supervision and conduct of a private employment agency; and an operator may manage more than one office.

1-2929

ADOPTED

MAY 24 1969

Charles Schwab
SECRETARY OF SENATE

CR 5-29-69
RR 5/29/69

Section 8 to end of bill
DA 6-1-69

1 "(1) 'Board' shall mean the Texas Private Employment Agency
2 Regulatory Board.

3 "Section 2. Exceptions. The provisions of this Act shall
4 not apply to agencies engaged solely in the procurement of employ-
5 ment for public school teachers and administrators; the provisions
6 of this Act shall not apply to any employment agency established
7 and operated by this state, the United States government, or any
8 municipal government of this state; the provisions of this Act
9 shall not apply to any person who may operate a labor bureau or
10 employment office in conjunction with his own business for the sole
11 and exclusive purpose of employing help for his own use within or
12 without this state, nor to any common carrier operating in this
13 state who may operate an employment office in conjunction with his
14 own business for the exclusive purpose of employing help for his
15 own use within or without this state, provided that no fee or other
16 charge or reduction is exacted from the salary or wages of the
17 worker for employment given. If a fee or charge of any kind,
18 either directly or indirectly is exacted from a worker, then said
19 employer is deemed a private employment agency and is subject to
20 the provisions of this Act. The provisions of this Act shall not
21 apply to farmers or stock raisers acting jointly or severally in
22 securing laborers for their own use in this state where no fee is
23 charged or collected, either directly or indirectly for employment
24 given; the provisions of this Act shall not apply to persons acting
25 for members of their own family. The provisions of this Act shall
26 not apply to any person, corporation, or charitable association
27 chartered under the laws of Texas for the purpose of conducting a
28 free employment bureau or agency, nor to any veterans' association
29 or organization or labor union; nor to any nurses' organization
30 operated and conducted by registered nurses for the enrollment of
31 its professional members only for the purpose of providing profes-
32 sional service to the public; the provisions of this Act shall not
33 apply to a labor agency engaged exclusively in the business of pro-
34 curing common laborers or agricultural workers for employers or any
35 person engaged exclusively in the business of procuring or attempt-
36 ing to procure jobs for common laborers or agricultural workers; the
37 provisions of this Act shall not apply to any person conducting a
38 business which consists of employing individuals directly for the
39 purpose of furnishing part-time or temporary help to others.

41 "Section 3. Creation and Composition of the Board. (a) The
42 Texas Private Employment Agency Regulatory Board is hereby created.
43 Its main office is in Austin, Texas, at the location of the office
44 of the commissioner.

45 "(b) ²⁹³The board is composed of nine members appointed by the
46 governor with the advice and consent of the Senate.

47 "(c) To be qualified for appointment as a member of the
48 board, a person must be a citizen of the United States and a resi-
49 dent of Texas and shall have been actively engaged in the private
50 employment agency business as an operator owning an interest in a
51 private employment agency in the State of Texas for a period of
52 five years next preceding the date of his appointment.

53 "(d) No more than two members of the board may be from any
54 one senatorial district and no more than two members of the board
55 may be from the same county. Further, the board shall be composed
56 of three members who at the time of their appointment operate an
57 agency in which not more than eight persons are engaged in the
58 operations thereof and such agency is not, directly or indirectly,
59

1-2929

1 a part of a multiple-office or franchise operation; three members
2 who at the time of their appointment operate an agency in which
3 more than eight persons but not more than 25 persons are engaged in
4 the operation thereof and such agency is not, directly or
5 indirectly, a part of a multiple-office or franchise operation;
6 three members who at the time of their appointment operate an
7 agency which is a single-office operation in which more than 25
8 persons are engaged in the operation thereof, or is either a part
9 of a multiple-office operation or of a franchise operation, but not
10 more than one person from any one such multiple-office or franchise
11 operation may serve on the board simultaneously. For the purpose
12 of this section agencies belonging or subscribing to a referral
13 system shall not be considered as a multiple-office or franchise
14 operation because of such membership in or subscription to such
15 referral service.

16 "(e) Except for the initial appointees, the members of the
17 board hold office for terms of six years, with the terms of three
18 members expiring on January 31 of each odd-numbered year. In
19 making the initial appointments, the governor shall designate
20 three for terms expiring on January 31, 1971, three for terms
21 expiring on January 31, 1973, and three for terms expiring on
22 January 31, 1975. The governor shall make the appointments in such
23 a way that the term of one member from each of the three categories
24 described in Subsection (d) of this section expires every two years.
25 If any member of the board ceases to own an interest in a private
26 employment agency, he automatically vacates his office, which shall
27 be filled by appointment as in the case of other vacancies.

28 "(f) Members of the board qualify by taking the consti-
29 tutional oath of office before an officer authorized to administer
30 oaths in this state. When a board member presents his oath of
31 office and the certificate of his appointment to the secretary of
32 state, the secretary of state shall issue a commission to him. The
33 commission from the secretary of state is evidence of authority to
34 act as a member of the board.

35 "(g) The board shall formally elect a chairman and
36 secretary-treasurer from its members. The board may adopt rules
37 necessary for the orderly conduct of its business.

38 "(h) Six members of the board constitute a quorum for the
39 transaction of business and may act for the board. The board shall
40 adopt a seal. The board shall prepare and preserve minutes and
41 other records of its proceedings and action.

42 "(i) Members of the board do not receive a salary for their
43 services but each member is entitled to \$25 for each day spent in
44 attending meetings of the board, including time spent in travel to
45 and from the meetings, not to exceed \$500 a year. Members of the
46 board are also entitled to be reimbursed for travel and other
47 necessary expenses incurred while performing their official duties
48 if the expenses are evidenced by voucher approved by the chairman
49 or secretary-treasurer of the board.

50 "Section 4. Applications for License to Maintain and Operate
51 a Private Employment Agency. Applications for license to maintain
52 and operate a private employment agency shall be made by a licensed
53 operator and shall be accompanied by a fee of \$150. Separate
54 applications shall be made for each unit or location where a pri-
55 vate employment agency is to be operated and for which a license is

1 sought. Each license shall expire on August 31 of each year and
2 shall be renewable as hereinafter provided. The commissioner shall
3 allow credit for any unused portion of the licenses outstanding on
4 the effective date hereof.

5 "Section 5. Application for License as an Operator.

6 (a) Application for a license as an operator may be made by and
7 shall be issued to any person who (1) is a citizen of the United
8 States, (2) has been a resident of the State of Texas for one year
9 next preceding the filing of said application, (3) is of good moral
10 character, (4) has never been convicted of an offense involving
11 moral turpitude, and (5) successfully passes the examination pre-
12 scribed herein.

13 "(b) The application shall be accompanied by the annual
14 license fee of \$15 plus an examination fee of \$25. In the event
15 the examination is not passed, the \$15 fee shall be refunded but
16 the \$25 shall not. All operators' licenses shall expire on
17 August 31st of each year.

18 "Section 6. Application Forms. All applications for a
19 license hereunder shall be made upon forms provided by the Bureau
20 of Labor Statistics and shall state such information as the board
21 and the commissioner may require, which shall include affirmative
22 evidence of ability to comply with reasonable standards, rules, and
23 regulations as are lawfully prescribed hereunder.

24 "Section 7. Renewal of Licenses. (a) A private employment
25 agency license may be renewed annually by the operator thereof
26 filing an application upon the forms provided and the payment of a
27 \$150 renewal fee.]

28 "(b) An operator's license may be renewed annually by the
29 operator by the filing of application for renewal upon forms pro-
30 vided for such renewal and the payment of \$15 renewal fee.

31 "Section 8. Bond. Each applicant for a private employment
32 agency license or renewal shall, before such license is issued,
33 make and file with the commissioner a good and sufficient bond
34 executed by the applicant with good and sufficient surety in the
35 penal sum of \$5,000 payable to the State of Texas; said bond shall
36 be conditioned that the obligor will not violate any of the duties,
37 terms, conditions, and requirements of this Act, and that the prin-
38 cipal, his agents or representatives will not make any false repre-
39 sentation or statement to any person soliciting assistance from him
40 for employees or employment, or solicited by him to accept employ-
41 ment. Said bond is to further recite that any person injured or
42 aggrieved by any false or fraudulent statement of such agent, his
43 subagent or representatives, or any violation of any provision of
44 this Act thereof by such agent, subagent or representative, shall
45 be entitled to bring suit thereon. Provided, however, that one
46 such bond shall suffice where the same person shall make applica-
47 tion for more than one office.

48 "Section 9. Examinations. (a) The examination for an
49 operator's license shall be prepared by the board and shall cover
50 the laws and regulations relating to the operations of a private
51 employment agency, the laws relating to discrimination in employ-
52 ment and related to labor legislation, and general matters related
53 to the management and operation of a private employment agency.
54 The questions for such examination shall be taken from a list of

1 questions which shall have been furnished to the individual taking
2 such examination together with a form of acceptable answers thereto
3 upon request. ⁶³

4 ⁶⁵ "(b) All examinations required by this Act shall be given at
5 such times and places as the board may direct, provided, however,
6 such examinations shall be given at least every 60 days.

7 "Section 10. Processing of Applications. The commissioner,
8 upon receiving an application for any type of license, shall
9 inspect or cause to be inspected said application and shall make
10 such investigation as may be necessary to determine that the
11 applicant is qualified; provided, however, that all applications
12 must be accepted and approved, or a date set for examination, or
13 rejected, as the case may be, within 30 days of the date of filing
14 thereof. In the event of examination being necessary, the license
15 shall be issued or denied within 30 days of the taking of said
16 examination. Any applicant, upon request to the commissioner, may
17 see his examination papers within 90 days immediately following the
18 announcement of the date a license has been denied to him as a
19 result of his having failed his examination.

20 "Section 11. Grandfather Clause. All private employment
21 agencies in business and operating and holding a license as a pri-
22 vate employment agent on September 1, 1969, shall be entitled to be
23 licensed under this Act, and all individuals functioning as an
24 operator of a private employment agency holding a license from the
25 State of Texas on September 1, 1969, shall be entitled to receive a
26 license as an operator under this Act, upon filing an application
27 before December 1, 1969, upon a form provided, and upon payment of
28 the fee as prescribed herein, without meeting the examination
29 requirements of Section 5 hereof.

30 "Section 12. Inspection. The commissioner, his deputies or
31 inspectors, are hereby authorized and directed to enforce the pro-
32 visions of this Act and the rules and regulations promulgated by
33 the board.

Amendment 27 "Section 13. Rules and Regulations. (a) The board is
~~authorized to establish and promulgate a schedule of permissible~~
maximum fees allowed to be charged to applicants by private
employment agencies in the performance of their services.

"(b) The board may promulgate provisions for the issuance
of a temporary license for operators for emergency situations
and for transfer of a private employment agency.

"(c) No employer seeking employees, and no person seeking
employment, shall knowingly make any false statement or conceal
any material facts for the purpose of obtaining employees, or
employment by or through any private employment agency.

"The Board shall promulgate such rules and regulations
as may be necessary to implement and carry out the intent and
purpose of this subsection.

"(d) The board is authorized to promulgate rules and
regulations concerning the keeping of business records and
issuance of receipts by private employment agencies.

"(e) The board is authorized to promulgate rules and
regulations concerning advertisements by private employment
agencies by means or cards, circulars, signs or in newspapers,
or other publications; provided, however, that the board is
not authorized to prohibit advertising.

"(f) The board is authorized to make rules and regulations
so as to prohibit private employment agencies from: (1) publishing
or causing to be published any false or misleading advertisement
or notice relating to their employment agency; (2) the giving of
any false information or the making of any false representation
concerning employment to any applicant for employment; (3) sending
out an applicant for employment to any prospective employer
without first having obtained a bona fide order from such
prospective employer; (4) dividing or offering to divide,
directly or indirectly, any fee charged or received with any ⁶⁰
person who secures workers through such agency, or to whom workers
are referred by such agency; (5) sending any person to a prospective
employer who is conducting a "lockout" against all or part of
his employees; or whose employees, or a part of them are out on
strike, without first apprising said person of the existence of
said "lockout" or strike; (6) charging applicants for administering
to them any psychological, personality, or aptitude tests.

"(g) All board meetings considering any of the matters
contained in this section shall be held only after notice of
such meeting and the matters to be considered thereat have been
given to every license holder by mail at least ten (10) days
prior to the date of hearing.

"(h) The board is authorized to promulgate such rules
and regulations as relate to the anti-discrimination laws of
the United States and the State of Texas, as same is applied
to private employment agencies and the operation thereof; provided,
however, such rules and regulations shall not be interpreted
to broaden the application or scope of such anti-discrimination
laws.

"(i) The board is authorized to promulgate such procedural
rules and regulations as may be necessary for the carrying out
of this Act and the enforcement of the provisions herein.

1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED] private employment
 7 [REDACTED]
 8 [REDACTED] ment and carry out the duties and use
 9 [REDACTED]
 10 "Section 14. Injunction. Any person who shall operate a
 11 private employment agency, or who shall conduct an employment
 12 office, without first procuring such licenses as required and pro-
 13 vided for in this Act may be enjoined from unlawfully pursuing such
 14 business or occupation, and the attorney general shall bring suit
 15 for such purpose in the name of the State of Texas in Travis
 16 County, and the district or county attorney of any county wherein
 17 such person engages in such business or conducts an employment
 18 office in violation of this Act is hereby authorized to maintain in
 19 the proper court of said county a suit in the name of the State of
 20 Texas to enjoin and prevent such person from unlawfully pursuing
 21 such occupation. In all such cases it shall not be necessary for
 22 the attorney bringing suit to verify the pleadings or for the state
 23 to execute any bond as a condition precedent to the issuing of any
 24 injunction or restraining order hereunder.

Amendment 25 (3) → "Section 15. Revocation of License. Any license issued
 26 under this Act may be revoked by the board upon a finding by the
 27 board that the holder of such license has been convicted of violat-
 28 ing any of the laws of the United States or of this state involving
 29 moral turpitude or is guilty of repeatedly violating any of the
 30 rules or regulations promulgated by the board; provided, however,
 31 the holder of such license shall be entitled to notice, and such
 32 notice shall contain a statement which will accurately apprise such
 33 license holder of that of which he is accused and shall set the
 34 time for hearing not sooner than 30 days after the date of mailing
 35 of such notice, and such license holder shall be entitled to be
 36 present at the hearing and represented by an attorney. All notices
 37 under this section shall be mailed to the last known address of the
 38 license holder as reflected in the license holder's file by certi-
 39 fied or registered mail.

40 "Section 16. Appeal. (a) Any person aggrieved by any deci-
 41 sion of the board relating to the issuance, denial, revocation, or
 42 refusal to renew a license may, within 60 days after the date of
 43 the decision, appeal by filing a petition in the district court of
 44 the county of his residence. Any person aggrieved by any other
 45 decision of the board may, within 60 days after the date of the
 46 decision, appeal by filing a petition in a district court of Travis
 47 County. All such appeals shall be tried de novo, and the sub-
 48 stantial evidence rule shall not apply.

49 "(b) Any person affected or aggrieved by any rule or regu-
 50 lation promulgated under this Act may sue in a district court of
 51 Travis County for a declaratory judgment as to the validity of the
 52 rule or regulation or the validity of its application to him. 62
 53 Process shall be served on the attorney general and the commis-
 54 sioner. The provisions of the Uniform Declaratory Judgments Act

1 (Article 2524-1, Vernon's Texas Civil Statutes) apply to the extent
2 they may be made applicable.

3 "Section 17. Penalty. From and after the effective date
4 hereof it shall be unlawful for any person to engage in the private
5 employment agency business as herein defined without having first
6 complied with all of the requirements hereof and any person who
7 violates or fails to so comply with the provisions hereof shall be
8 guilty of a misdemeanor and shall be fined not less than \$100 nor
9 more than \$500 or by imprisonment of not more than 6 months or by
10 both such fine and imprisonment. Each day of such violation shall
11 constitute a separate offense.

12 "Section 18. Disposition of Fees. The commissioner shall
13 deposit all money received by him from license fees under the
14 provisions of this Act in the state treasury to the credit of the
15 general revenue fund. All money derived from examination fees
16 shall be deposited in a bank and shall be used only to cover the
17 expense of preparing, giving, and grading examinations, as
18 authorized by the board."

Amendment 19 (4) → Sec. 2. In order to provide for an orderly transition from
20 the old to the new regulatory scheme, Sections 6, 8, 9, 10, and
21 12, Chapter 245, Acts of the 51st Legislature, Regular Session,
22 1949, as amended before the passage of this Act (Sections 6, 8, 9,
23 10, and 12, Article 5221a-6, Vernon's Texas Civil Statutes), remain
24 in effect and prevail over conflicting or inconsistent provisions
25 of this Act through December 31, 1969. Otherwise, this Act takes
26 effect September 1, 1969.

27 Sec. 3. If any provision of this Act or the application
28 thereof to any person or circumstance is held invalid, such inva-
29 lidity shall not affect other provisions or applications of the
30 Act which can be given effect without the invalid provision or
31 application, and to this end the provisions of this Act are
32 declared to be severable.

33 Sec. 4. The importance of this legislation and the crowded
34 condition of the calendars in both houses create an emergency and
35 an imperative public necessity that the Constitutional Rule requir-
36 ing bills to be read on three several days in each house be sus-
37 pended, and this Rule is hereby suspended, and that this Act take
38 effect and be in force as provided by Section 2, and it is so
39 enacted.
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54

Moore

adapted etc.

Amend Section 1 of Committee Substitute for House Bill 169, by striking Section 13 in Section 1 and substituting in lieu thereof the following:

Amendment 2 → "Section 13. conduct. (a) Employment agencies licensed under this act shall not:

- “(1) impose any fees for the registration of applicants for employment or any fee of applicants except for furnishing of employment obtained directly through the efforts of such agency;
 - “(2) engage or attempt to engage in the splitting or sharing of fees with an employer, an agent or other employee of an employer, or other person to whom employment service has been furnished or any other person not authorized to charge a fee under this act;
 - “(3) charge a fee greater than that authorized and promulgated by the Board;
 - “(4) make, give, or cause to be made or given to any applicant for employees or employment any false promise, misrepresentation or inaccurate or misleading statement or information if such agency had knowledge or should have had knowledge of such falsity, misrepresentation, or inaccurate or misleading statement or information;
 - “(5) procure or attempt to procure the discharge of any person from his employment;
 - “(6) unduly influence an employee to quit his employment for the purpose of obtaining other employment through such agency;
 - “(7) require applicants for employment to subscribe to any publication or incidental service or contribute to the cost of advertising;
 - “(8) refer any person to employment deleterious to health or morals if the agency had knowledge or should have had knowledge of such conditions;
 - “(9) refer any employee or applicant for employment to a place where a strike or lockout exists without furnishing such employee or applicant with a written statement as to the existence of such strike or lockout, if the agency had knowledge or should have had knowledge ~~of~~ such facts or conditions, a copy of which statement signed by the employee or applicant shall be kept on file for one year after the date thereof;
 - “(10) make any referral to an employment or occupation prohibited by law;
 - “(11) refer any applicant for employment except upon a valid job order therefor;
 - “(12) make or cause to be made or use any name, sign, or advertising device bearing a name which may be similar to or reasonably be confused with the name of a government agency or which is false or misleading relating to their employment agency;
 - “(13) knowingly and willfully violate any law of this state or the United States.
- “(b) Employment agencies licensed under this act shall:
- “(1) include their agency name and the address of such agency in all advertising;
 - “(2) keep, maintain and permit inspection thereof, adequate records to evidence compliance with this law and all other laws of this state and of the United States;
 - “(3) furnish receipts to all applicants for all payments made by such applicants in a form prescribed by the Board.

CR 5-29-69

ADOPTED

MAY 24 1969

Charles Schwab

OF SENATE

DA 6-17-69 KR 5/29/69

^(c) No employer seeking employees, and no person seeking employment, shall knowingly make any false statement or conceal any material fact for the purpose of obtaining employees, or employment by or through any private employment agency.

^(d) The Board, the Commissioner or his deputies may inspect the records of any licensee hereunder under reasonable circumstances during normal business hours and the Board shall have subpoena duces tecum powers for all records relating to the services of an agency performing services hereunder.②

Floor Amendment No. 3

By Moore

Amend Section 1 of Committee Substitute for House Bill 169, by striking Section 15 of Section 1 and substituting in lieu thereof the following:

Amendment (3) → "Section 15. POWERS OF THE BOARD. (a) The board is authorized to establish and promulgate a schedule of permissible maximum fees allowed to be charged to applicants by private employment agencies in the performance of their services.

"(b) The board may promulgate provisions for the issuance of a temporary license for operators for emergency situations and for transfer of a private employment agency license.

"(c) The board shall promulgate procedural rules and regulations only, consistent with the provisions of this Act, to govern the conduct of its business and proceedings. Notwithstanding any other provisions of this Act, the board shall not have any power or authority to amend or enlarge upon any provision of this Act by rule or regulation to change the meaning in any manner whatsoever of any provision of this Act or to promulgate any rule or regulation which is in any way contrary to the underlying and fundamental purposes of this Act or to make any rule or regulation which is unreasonable, arbitrary, capricious, illegal, or unnecessary.

"(d) All board meetings considering any of the matters contained in this section except under subsection (e) hereof shall be held only after notice of such meeting and the matters to be considered thereat have been given to every license holder by mail at least ten (10) days prior to the date of hearing.

"(e) Any license issued under this Act may be revoked by the board upon a finding by the board that the holder of such license has been convicted of violating any of the laws of the United States or of this state involving moral turpitude or is guilty of violating any of the provisions of this act; provided, however, the holder of such license shall be entitled to notice, and such notice shall contain a statement which will accurately apprise such license holder of that of which he is accused and shall set the time for hearing not sooner than 30 days after the date of mailing of such notice, and such license holder shall be entitled to be present at the hearing and represented by an attorney. All notices under this section shall be mailed to the last known address of the license holder as reflected in the license holder's file by certified or registered mail."¹¹

CR 5-29-69

RR 5/29/69

CA
6-17-69

ADOPTED

MAY 24 1969

Charles Schwab

SECRETARY OF SENATE

Floor Amendment No.

4
B

By

Moo

Amend Committee Substitute for House Bill 169 by striking Section 2 and substituting in lieu thereof the following:

Amendment 4 → ~~Section~~ 2. In order to provide for an orderly transition from the old to the new regulatory scheme, Section 8, Chapter 245, Acts of the 51st Legislature, Regular Session, 1949, as amended, before the passage of this Act (Section 8, Article 5221a-6, Vernon's Texas Civil Statutes), remains in effect and prevails over conflicting or inconsistent provisions of this Act through December 31, 1969. Otherwise, this Act takes effect September 1, 1969.①

KR 5/29/69

DA
6-17-69

CR 5-29-69

18

ADOPTED

MAY 24 1969

Charles Schwab

SECRETARY OF SENATE

Amend caption to conform to body
of bill.

ADOPTED

MAY 24 1969

Charles Schnabel
SECRETARY OF SENATE



RR 5/29/69

ENROLLED

H.B. No. 169

AN ACT

creating the Texas Private Employment Agency Regulatory Board; giving the board certain duties and responsibilities; establishing certain requirements for the licensing of private employment agencies and private employment agency operators; amending Chapter 245, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 5221a-6, Vernon's Texas Civil Statutes); providing for severability; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Chapter 245, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 5221a-6, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. Definitions as used in the Act. (a) The term 'person' means an individual, partnership, association, corporation, legal representative, trustee in bankruptcy, or receiver.

"(b) 'Fee' means anything of value including money or other valuable consideration or services or the promise of any of the foregoing received by an employment agency from any person seeking employment or employers in payment for any service, either directly or indirectly.

"(c) 'Employer' means any person employing or seeking to employ any employee.

"(d) 'Applicant' means any person engaging the services of a private employment agency for the purpose of securing employment or any person placed by a private employment agency with an employer.

"(e) 'Private Employment Agency' means any person, place or establishment within this state who for a fee or without a fee offers or attempts, either directly or indirectly, to procure employment for employees or procures or attempts to procure employees for employers, except as hereinafter exempted from the provisions hereof.

"(f) 'Commissioner' shall mean the Commissioner of the Bureau of Labor Statistics, and he shall administer and enforce the provisions of this Act and the rules and regulations promulgated by the board and in all matters relating to the enforcement of this Act, shall be guided by the instructions and decisions of the board.

"(g) 'Deputy or inspector' shall mean any person who is duly authorized by the commissioner to act in that capacity.

"(h) 'Operator' shall mean the individual or individuals who have the responsibility for the day-to-day management, supervision and conduct of a private employment agency; and an operator may manage more than one office.

"(i) 'Board' shall mean the Texas Private Employment Agency Regulatory Board.

"Section 2. Exceptions. The provisions of this Act shall not apply to agencies engaged solely in the procurement of employment for public school teachers and administrators; the provisions of this Act shall not apply to any employment agency established and operated by this state, the United States government, or any municipal government of this state; the provisions of this Act shall not apply to any person who may operate a labor bureau or

employment office in conjunction with his own business for the sole and exclusive purpose of employing help for his own use within or without this state, nor to any common carrier operating in this state who may operate an employment office in conjunction with his own business for the exclusive purpose of employing help for his own use within or without this state, provided that no fee or other charge or reduction is exacted from the salary or wages of the worker for employment given. If a fee or charge of any kind, either directly or indirectly is exacted from a worker, then said employer is deemed a private employment agency and is subject to the provisions of this Act. The provisions of this Act shall not apply to farmers or stock raisers acting jointly or severally in securing laborers for their own use in this state where no fee is charged or collected, either directly or indirectly for employment given; the provisions of this Act shall not apply to persons acting for members of their own family. The provisions of this Act shall not apply to any person, corporation, or charitable association chartered under the laws of Texas for the purpose of conducting a free employment bureau or agency, nor to any veterans' association or organization or labor union; nor to any nurses' organization operated and conducted by registered nurses for the enrollment of its professional members only for the purpose of providing professional service to the public; the provisions of this Act shall not apply to a labor agency engaged exclusively in the business of procuring common laborers or agricultural workers for employers or any person engaged exclusively in the business of procuring or attempting to procure jobs for common laborers or agricultural workers; the

provisions of this Act shall not apply to any person conducting a business which consists of employing individuals directly for the purpose of furnishing part-time or temporary help to others.

"Section 3. Creation and Composition of the Board. (a) The Texas Private Employment Agency Regulatory Board is hereby created. Its main office is in Austin, Texas, at the location of the office of the commissioner.

"(b) The board is composed of nine members appointed by the governor with the advice and consent of the Senate.

"(c) To be qualified for appointment as a member of the board, a person must be a citizen of the United States and a resident of Texas and shall have been actively engaged in the private employment agency business as an operator owning an interest in a private employment agency in the State of Texas for a period of five years next preceding the date of his appointment.

"(d) No more than two members of the board may be from any one senatorial district and no more than two members of the board may be from the same county. Further, the board shall be composed of three members who at the time of their appointment operate an agency in which not more than eight persons are engaged in the operations thereof and such agency is not, directly or indirectly, a part of a multiple-office or franchise operation; three members who at the time of their appointment operate an agency in which more than eight persons but not more than 25 persons are engaged in the operation thereof and such agency is not, directly or indirectly, a part of a multiple-office or franchise operation; three members who at the time of their appointment operate an

agency which is a single-office operation in which more than 25 persons are engaged in the operation thereof, or is either a part of a multiple-office operation or of a franchise operation, but not more than one person from any one such multiple-office or franchise operation may serve on the board simultaneously. For the purpose of this section agencies belonging or subscribing to a referral system shall not be considered as a multiple-office or franchise operation because of such membership in or subscription to such referral service.

"(e) Except for the initial appointees, the members of the board hold office for terms of six years, with the terms of three members expiring on January 31 of each odd-numbered year. In making the initial appointments, the governor shall designate three for terms expiring on January 31, 1971, three for terms expiring on January 31, 1973, and three for terms expiring on January 31, 1975. The governor shall make the appointments in such a way that the term of one member from each of the three categories described in Subsection (d) of this section expires every two years. If any member of the board ceases to own an interest in a private employment agency, he automatically vacates his office, which shall be filled by appointment as in the case of other vacancies.

"(f) Members of the board qualify by taking the constitutional oath of office before an officer authorized to administer oaths in this state. When a board member presents his oath of office and the certificate of his appointment to the secretary of state, the secretary of state shall issue a commission to him. The

commission from the secretary of state is evidence of authority to act as a member of the board.

"(g) The board shall formally elect a chairman and secretary-treasurer from its members. The board may adopt rules necessary for the orderly conduct of its business.

"(h) Six members of the board constitute a quorum for the transaction of business and may act for the board. The board shall adopt a seal. The board shall prepare and preserve minutes and other records of its proceedings and action.

"(i) Members of the board do not receive a salary for their services but each member is entitled to \$25 for each day spent in attending meetings of the board, including time spent in travel to and from the meetings, not to exceed \$500 a year. Members of the board are also entitled to be reimbursed for travel and other necessary expenses incurred while performing their official duties if the expenses are evidenced by voucher approved by the chairman or secretary-treasurer of the board.

"Section 4. Applications for License to Maintain and Operate a Private Employment Agency. Applications for license to maintain and operate a private employment agency shall be made by a licensed operator and shall be accompanied by a fee of \$150. Separate applications shall be made for each unit or location where a private employment agency is to be operated and for which a license is sought. Each license shall expire on August 31 of each year and shall be renewable as hereinafter provided. The commissioner shall allow credit for any unused portion of the licenses outstanding on the effective date hereof.

"Section 5. Application for License as an Operator.

(a) Application for a license as an operator may be made by and shall be issued to any person who (1) is a citizen of the United States, (2) has been a resident of the State of Texas for one year next preceding the filing of said application, (3) is of good moral character, (4) has never been convicted of an offense involving moral turpitude, and (5) successfully passes the examination prescribed herein.

"(b) The application shall be accompanied by the annual license fee of \$15 plus an examination fee of \$25. In the event the examination is not passed, the \$15 fee shall be refunded but the \$25 shall not. All operators' licenses shall expire on August 31st of each year.

"Section 6. Application Forms. All applications for a license hereunder shall be made upon forms provided by the Bureau of Labor Statistics and shall state such information as the board and the commissioner may require, which shall include affirmative evidence of ability to comply with reasonable standards, rules, and regulations as are lawfully prescribed hereunder.

"Section 7. Renewal of Licenses. (a) A private employment agency license may be renewed annually by the operator thereof filing an application upon the forms provided and the payment of a \$150 renewal fee.

"(b) An operator's license may be renewed annually by the operator by the filing of application for renewal upon forms provided for such renewal and the payment of \$15 renewal fee.

"Section 8. Bond. Each applicant for a private employment agency license or renewal shall, before such license is issued, make and file with the commissioner a good and sufficient bond executed by the applicant with good and sufficient surety in the penal sum of \$5,000 payable to the State of Texas; said bond shall be conditioned that the obligor will not violate any of the duties, terms, conditions, and requirements of this Act, and that the principal, his agents or representatives will not make any false representation or statement to any person soliciting assistance from him for employees or employment, or solicited by him to accept employment. Said bond is to further recite that any person injured or aggrieved by any false or fraudulent statement of such agent, his subagent or representatives, or any violation of any provision of this Act thereof by such agent, subagent or representative, shall be entitled to bring suit thereon. Provided, however, that one such bond shall suffice where the same person shall make application for more than one office.

"Section 9. Examinations. (a) The examination for an operator's license shall be prepared by the board and shall cover the laws and regulations relating to the operations of a private employment agency, the laws relating to discrimination in employment and related to labor legislation, and general matters related to the management and operation of a private employment agency. The questions for such examination shall be taken from a list of questions which shall have been furnished to the individual taking such examination together with a form of acceptable answers thereto upon request.

"(b) All examinations required by this Act shall be given at such times and places as the board may direct, provided, however, such examinations shall be given at least every 60 days.

"Section 10. Processing of Applications. The commissioner, upon receiving an application for any type of license, shall inspect or cause to be inspected said application and shall make such investigation as may be necessary to determine that the applicant is qualified; provided, however, that all applications must be accepted and approved, or a date set for examination, or rejected, as the case may be, within 30 days of the date of filing thereof. In the event of examination being necessary, the license shall be issued or denied within 30 days of the taking of said examination. Any applicant, upon request to the commissioner, may see his examination papers within 90 days immediately following the announcement of the date a license has been denied to him as a result of his having failed his examination.

"Section 11. Grandfather Clause. All private employment agencies in business and operating and holding a license as a private employment agent on September 1, 1969, shall be entitled to be licensed under this Act, and all individuals functioning as an operator of a private employment agency holding a license from the State of Texas on September 1, 1969, shall be entitled to receive a license as an operator under this Act, upon filing an application before December 1, 1969, upon a form provided, and upon payment of the fee as prescribed herein, without meeting the examination requirements of Section 5 hereof.

"Section 12. Inspection. The commissioner, his deputies or inspectors, are hereby authorized and directed to enforce the provisions of this Act and the rules and regulations promulgated by the board.

"Section 13. Conduct. (a) Employment agencies licensed under this act shall not:

"(1) impose any fees for the registration of applicants for employment or any fee of applicants except for furnishing of employment obtained directly through the efforts of such agency;

"(2) engage or attempt to engage in the splitting or sharing of fees with an employer, an agent or other employee of an employer, or other person to whom employment service has been furnished or any other person not authorized to charge a fee under this act;

"(3) charge a fee greater than that authorized and promulgated by the Board;

"(4) make, give, or cause to be made or given to any applicant for employees or employment any false promise, misrepresentation or inaccurate or misleading statement or information if such agency had knowledge or should have had knowledge of such falsity, misrepresentation, or inaccurate or misleading statement or information;

"(5) procure or attempt to procure the discharge of any person from his employment;

"(6) unduly influence an employee to quit his employment for the purpose of obtaining other employment through such agency;

"(7) require applicants for employment to subscribe to any publication or incidental service or contribute to the cost of advertising;

"(8) refer any person to employment deleterious to health or morals if the agency had knowledge or should have had knowledge of such conditions;

"(9) refer any employee or applicant for employment to a place where a strike or lockout exists without furnishing such employee or applicant with a written statement as to the existence of such strike or lockout, if the agency had knowledge or should have had knowledge of such facts or conditions, a copy of which statement signed by the employee or applicant shall be kept on file for one year after the date thereof;

"(10) make any referral to an employment or occupation prohibited by law;

"(11) refer any applicant for employment except upon a valid job order therefor;

"(12) make or cause to be made or use any name, sign, or advertising device bearing a name which may be similar to or reasonably be confused with the name of a government agency or which is false or misleading relating to their employment agency;

"(13) knowingly and willfully violate any law of this state or the United States.

"(b) Employment agencies licensed under this act shall:

"(1) include their agency name and the address of such agency in all advertising;

"(2) keep, maintain and permit inspection thereof, adequate records to evidence compliance with this law and all other laws of this state and of the United States;

"(3) furnish receipts to all applicants for all payments made by such applicants in a form prescribed by the Board.

"(c) No employer seeking employees, and no person seeking employment, shall knowingly make any false statement or conceal any material fact for the purpose of obtaining employees, or employment by or through any private employment agency.

"(d) The Board, the Commissioner or his deputies may inspect the records of any licensee hereunder under reasonable circumstances during normal business hours and the Board shall have subpoena duces tecum powers for all records relating to the services of an agency performing services hereunder.

"Section 14. Injunction. Any person who shall operate a private employment agency, or who shall conduct an employment office, without first procuring such licenses as required and provided for in this Act may be enjoined from unlawfully pursuing such business or occupation, and the attorney general shall bring suit for such purpose in the name of the State of Texas in Travis County, and the district or county attorney of any county wherein such person engages in such business or conducts an employment office in violation of this Act is hereby authorized to maintain in the proper court of said county a suit in the name of the State of Texas to enjoin and prevent such person from unlawfully pursuing such occupation. In all such cases it shall not be necessary for the attorney bringing suit to verify the pleadings or for the state

to execute any bond as a condition precedent to the issuing of any injunction or restraining order hereunder.

"Section 15. Powers of the Board. (a) The board is authorized to establish and promulgate a schedule of permissible maximum fees allowed to be charged to applicants by private employment agencies in the performance of their services.

"(b) The board may promulgate provisions for the issuance of a temporary license for operators for emergency situations and for transfer of a private employment agency license.

"(c) The board shall promulgate procedural rules and regulations only, consistent with the provisions of this Act, to govern the conduct of its business and proceedings. Notwithstanding any other provisions of this Act, the board shall not have any power or authority to amend or enlarge upon any provision of this Act by rule or regulation to change the meaning in any manner whatsoever of any provision of this Act or to promulgate any rule or regulation which is in any way contrary to the underlying and fundamental purposes of this Act or to make any rule or regulation which is unreasonable, arbitrary, capricious, illegal, or unnecessary.

"(d) All board meetings considering any of the matters contained in this section except under subsection (e) hereof shall be held only after notice of such meeting and the matters to be considered thereat have been given to every license holder by mail at least ten (10) days prior to the date of hearing.

"(e) Any license issued under this Act may be revoked by the board upon a finding by the board that the holder of such license

has been convicted of violating any of the laws of the United States or of this state involving moral turpitude or is guilty of violating any of the provisions of this act; provided, however, the holder of such license shall be entitled to notice, and such notice shall contain a statement which will accurately apprise such license holder of that of which he is accused and shall set the time for hearing not sooner than 30 days after the date of mailing of such notice, and such license holder shall be entitled to be present at the hearing and represented by an attorney. All notices under this section shall be mailed to the last known address of the license holder as reflected in the license holder's file by certified or registered mail.

"Section 16. Appeal. (a) Any person aggrieved by any decision of the board relating to the issuance, denial, revocation, or refusal to renew a license may, within 60 days after the date of the decision, appeal by filing a petition in the district court of the county of his residence. Any person aggrieved by any other decision of the board may, within 60 days after the date of the decision, appeal by filing a petition in a district court of Travis County. All such appeals shall be tried de novo, and the substantial evidence rule shall not apply.

"(b) Any person affected or aggrieved by any rule or regulation promulgated under this act may sue in a district court of Travis County for a declaratory judgment as to the validity of the rule or regulation or the validity of its application to him. Process shall be served on the attorney general and the commissioner. The provisions of the Uniform Declaratory Judgments Act

H.B. No. 169

(Article 5224-1, Vernon's Texas Civil Statutes) apply to the extent they may be made applicable.

"Section 17. Penalty. From and after the effective date hereof it shall be unlawful for any person to engage in the private employment agency business as herein defined without having first complied with all of the requirements hereof and any person who violates or fails to so comply with the provisions hereof shall be guilty of a misdemeanor and shall be fined not less than \$100 nor more than \$500 or by imprisonment of not more than 6 months or by both such fine and imprisonment. Each day of such violation shall constitute a separate offense.

"Section 18. Disposition of Fees. The commissioner shall deposit all money received by him from license fees under the provisions of this Act in the state treasury to the credit of the general revenue fund. All money derived from examination fees shall be deposited in a bank and shall be used only to cover the expense of preparing, giving, and grading examinations, as authorized by the board."

Sec. 2. In order to provide for an orderly transition from the old to the new regulatory scheme, Section 8, Chapter 245, Acts of the 51st Legislature, Regular Session, 1949, as amended, before the passage of this Act (Section 8, Article 5221a-6, Vernon's Texas Civil Statutes), remains in effect and prevails over conflicting or inconsistent provisions of this Act through December 31, 1969. Otherwise, this Act takes effect September 1, 1969.

H.B. No. 169

Sec. 3. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force as provided by Section 2, and it is so enacted.

Lieutenant Governor

Speaker of the House

I hereby certify that H.B. No. 169 was passed by the House on April 29, 1969, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 169 on May 28, 1969, by a non-record vote.

Chief Clerk of the House

H.B. No. 169

I hereby certify that H.B. No. 169 was passed by the Senate,
as amended, on May 24, 1969, by a viva-voce vote.

Secretary of the Senate

APPROVED:

6-21-69

Date

Signed

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:15 AM O'CLOCK

JUN 21 1969

Secretary of State

H.B. No. 169

A BILL TO BE ENTITLED
AN ACT

Creating the Texas Private
Employment Agency Regulatory
Board; giving the board certain
duties and responsibilities;
establishing certain requirements
for the licensing of private
employment agencies and private
employment agency operators;
amending Chapter 245, Acts of
the 51st Legislature, Regular
Session, 1949, as amended
(Article 5221a-6, Vernon's Texas
Civil Statutes); providing
severability of this Act; re-
pealing all laws in conflict;
and declaring an emergency.

FILED FEB 4 1969

READ 1st TIME FEB 6 1969
AND REFERRED TO COMMITTEE ON
Governmental Affairs

Dorothy Hallman

Chief Clerk, House of Representatives

MAR 19 1969

MAR 17 1969 REPORTED FAVORABLY SENT TO PRINTER AS AMENDED

APR 29 1969

READ SECOND
TIME *Amended* AND

ORDERED *Record 10716* ENGROSSED
Wm. H. Reed 10716

Dorothy Hallman

Chief Clerk, House of Representatives
APR 29 1969

Constitutional
Rule requiring bills to be read on
three several days suspended by
a four-fifths vote.
Yeas *116* Nays *28*

Dorothy Hallman

Chief Clerk, House of Representatives

APR 29 1969 Read third time

and Passed

by following vote: yeas *107*

nays *27*

Dorothy Hallman

Chief Clerk
HOUSE OF REPRESENTATIVES

APR 29 1969

MOTION TO RECONSIDER THE VOTE BY
WHICH *213* *169*
APPROVED / PASSED AND TO TABLE THE MOTION TO RECONSIDER
SIDER PREVAILED *213* *169* BY A *Wm. H. Reed 10716*

Dorothy Hallman
CHIEF CLERK HOUSE OF REPRESENTATIVES

APR 29 1969 SENT TO ENGROSSING CLERK.



PRINTED, DISTRIBUTED AND

MAILED TO COMMITTEE ON

2:00

P.M.

MAR 18 1969

(Date)

By: Ratcliff

H.B. No. 169

A BILL TO BE ENTITLED

AN ACT

creating the Texas Private Employment Agency Regulatory Board; giving the board certain duties and responsibilities; establishing certain requirements for the licensing of private employment agencies and private employment agency operators; amending Chapter 245, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 5221a-6, Vernon's Texas Civil Statutes); providing severability of this Act; repealing all laws in conflict; and declaring an emergency.

2- 4-69 Filed.

2- 6-69 Read first time and referred to Committee on Governmental Affairs.

3-17-69 Reported favorably as amended, sent to printer.

3-18-69 Printed, distributed and referred to Committee on Rules at 2:00 p.m.

4-29-69 Read second time, amended and ordered engrossed by a non-record vote.

4-29-69 Constitutional Rule requiring bills to be read on three several days suspended by a four-fifths vote: Yeas 116, Nays 28.

4-29-69 Read third time and passed by a non-record vote.

Dorothy Hallman
Chief Clerk, H. of R.

4-29-69 Sent to Engrossing Clerk.

4-29-69 Engrossed.

C. S. Suggins
Engrossing Clerk, H. of R.

APR 30 1969

RETURNED FROM ENGROSSING

SENT TO THE SENATE

MAY 1 1969 Received from the House
MAY 1 1969 Read, referred to Committee on State Affairs
~~MAY 20 1969 Reported favorably:~~
MAY 20 1969 Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed. _____

MAY 24 1969 Regular order of business suspended by _____
(unanimous consent. _____
(_____ years, _____ days.)

_____ To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ years, _____ days.

MAY 24 1969 Read second time, amended _____ passed to third reading.

MAY 24 1969 Caption ordered amended to conform to body of bill.

MAY 24 1969 Senate and Constitutional 3-Day Rules suspended by vote of _____
25 years, 3 days to place bill on third reading and final passage.

MAY 24 1969 Read third time and passed by _____
(a viva-voce vote. _____
(_____ years, _____ days.)

OTHER ACTION:

Charles Schmechel
Secretary of the Senate
MAY 26 1969 Received from
the Senate.

MAY 26 1969 Returned to HOUSE
Dorothy Hallman
Chief Clerk, House of Representatives
MAY 26 1969 SENT TO PRINTER

SA

MAY 23 1969
Not in title of 1 Consider H.R. 169
Not in title of 1 Consider H.R. 169
Not in title of 1 Consider H.R. 169

MAY 28 1969
The House has concurred in Senate amendments to House Bill No. 169 by vote of _____
_____ yeas, _____ nays.

Dorothy Hallman
Chief Clerk, House of Representatives

MAY 23 1969 MOTION TO RECONSIDER THE VOTE BY WHICH AMENDED WAS PASSED WAS PASSED BY A YEAS VOTE OF _____
_____ yeas, _____ nays.
Dorothy Hallman
Chief Clerk, HOUSE OF REPRESENTATIVES

MAY 28 1969 SENT TO ENROLLING CLERK

MAY 26 1969 RETURNED FROM PRINTER. SENT TO SPEAKER